

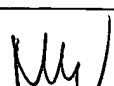


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,953	03/13/2001	Dan C. Morgan	MB4315.002	1190
23875	7590	01/03/2005	EXAMINER	
MOLLY D MCKAY, PC 3207 E 22ND STREET TULSA, OK 74114-1823			RÜHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER
			3629	
DATE MAILED: 01/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,953	MORGAN, DAN C.	
	Examiner	Art Unit	
	Dennis Ruhl	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2 IDS statements</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3629

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiCesare et al. (5971435).

For claim 1, DiCesare discloses a method and system for verifying the authenticity of an autograph on a collectible item. It is disclosed that the collector personally witnesses the signing of the item as claimed. The step of connecting an originating computer to a central computer via an online communication system is disclosed in column 4, lines 35-38. For the information about the signing to be transmitted electronically to the computer database (central computer), an originating computer of some kind is inherently required to send the information. DiCesare discloses the storing of information as claimed on the central computer. The language "for which the collector seeks to obtain.....from the central computer" is considered to be functional intended use language and is not considered to be a positive recitation of a step. DiCesare discloses the providing of information to the central computer and storing of information as claimed. DiCesare discloses a certificate of authenticity, which the examiner considers to be the voucher 3. The voucher 3 is a certificate of authenticity. DiCesare discloses that the signed collectible item and the voucher have the same ID number. The item and certificate are linked by a common number. See column 5, lines 16-21.

DiCesare does not disclose that the certificate of authenticity (the voucher) has a hologram with a bar code as claimed, where the collectible item also has the same hologram. DiCesare also does not disclose that the witness signs a statement that declares under penalty of perjury that the information about the collectible item is accurate.

With respect to the hologram, DiCesare already recognizes that the voucher and signed item are to have an identifier that is the same so as to link the two together. DiCesare discloses that in 1997 Sports Collectors Digest authenticated signed items by using holograms. See column 1, lines 66-column 2, line 5. Also see column 3, lines 34-40 where it is disclosed that the certificate of authenticity may have a hologram. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the identifier of DiCesare that is on the voucher and on the signed item to be a hologram as is known in the art for as a good form of authentication. With respect to the bar code, it would have been obvious to have a bar code on the voucher and signed item for an additional way to authenticate the signed item. This limitation is interpreted to simply be a 2nd identifier on the item and voucher and is considered obvious.

With respect to having the witness sign a statement under the penalty of perjury, the examiner notes that DiCesare already requires the witness to sign the voucher, but nothing is disclosed about the penalty of perjury. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the witness sign the voucher just like an affidavit, under the penalty of perjury. It is old and well known in the

art that when a person needs to make a sworn statement or attest to particular facts in a more official and legally binding manner, one can sign an affidavit or declaration under the penalty of perjury. This way the signing of the witness on the voucher has on a more trustworthy and convincing affect. Having the witness sign a statement under the penalty of perjury is nothing new and is considered obvious to one of ordinary skill in the art.

For claim 2, DiCesare discloses that users are allowed access to information on a collectible as claimed.


For claim 3, DiCesare allows what is claimed (transfer of ownership as claimed).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lam (6475634), Young (6591252), Lucarelli et al. (20030220885 and 20010049606) disclose collectible authentication systems and methods relevant to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER